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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA BROYLES,
Plaintiff,

vs.

A.U.L. CORPORATION LONG-TERM
DISABILITY INSURANCE PLAN,
Defendant,

STANDARD INSURANCE COMPANY,
Real Party at Interest.

CASE NO. C07-05305 MMC

**STIPULATION AND ~~proposed~~
ORDER CONTINUING HEARING
AND BRIEFING**

Whereas, by prior order of the Court, plaintiff's motion on the merits of this ERISA benefits case is scheduled to be filed September 12, 2008, and the hearing thereon is scheduled for October 17, 2008; and

Whereas, plaintiff requires a declaration from Dr. Glen Pfeffer in order properly to brief the motion; and

Whereas, counsel for plaintiff advises that despite his efforts over the past months to secure that declaration, Dr. Pfeffer has not yet completed it, and Dr. Pfeffer's office has advised counsel for plaintiff that Dr. Pfeffer presently is in Brazil without the material needed to complete the declaration and will not return for the next two weeks;

Whereas, the Plan contends that evidence outside the administrative record is not permissible in the Court's review of the merits of Standard's decision (the Court previously denied Plaintiff's motion for *de novo* review), and by signing this stipulation in no way intends to waive its arguments that a declaration by Dr. Pfeffer cannot be considered by the Court and should be stricken

Now, therefore, the parties stipulate as follows:

1. The hearing on the motion for judgment on the merits be continued from October 17, 2008 to November 14, 2008 at 9:00 o'clock a.m.; and

2. The date for the filing of plaintiff's opening brief is continued from September 12, 2008 to October 10, 2008.

Dated: September 12, 2008

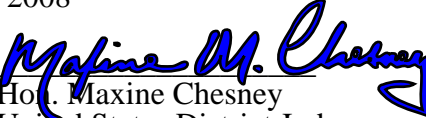
/s/
Laurence F. Padway
Attorney for plaintiff

/s/
Shawn Hanson
Katherine S. Ritchey
Jones Day
Attorney for Defendant and
Real Party in Interest

ORDER

Good cause appearing, It is so ordered.

Dated: September 16, 2008


Hon. Maxine Chesney
United States District Judge